



# UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,385	02/25/2002	Kuldip Singh Pabla	5181-94200	4546

7590 09/20/2005

Robert C. Kowert  
Conley, Rose, & Tayon, P.C.  
P.O. Box 398  
Austin, TX 78767

EXAMINER
----------

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/082,385	PABLA ET AL.	
	Examiner	Art Unit	
	Courtney D. Fields	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-65 are pending.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 56-65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 56-65 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 48, lines 1-8, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., disk or CD-ROM) and intangible embodiments (e.g., carrier medium or transmission media (i.e., signal)) As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema et al. (Pub No. 2003/0056093) in view of Klonowski (US Patent No. 5,479,514).

Referring to the rejection of claims 1,15,25,29,33, and 45, Huitema et al. discloses a method and network comprising:

a first peer sending a message to a second peer on a peer-to-peer network, wherein the message indicates that the first peer is requesting a session with the second peer; (See Page 7, Section 0054 and Figure 3)

the first peer sending a first public key to the second peer; (See Page 7, Section 0054)

the second peer receiving the first message; (See Page 7, Section 0055 and Figure 4)

the second peer receiving the first public key; (See Page 7, Section 0055)

the second peer determining if a session with the first peer is to be established in response to the message indicating the first peer is requesting a session with the second peer; (See Page 7, Section 0056 and Figure 5)

However, Huitema et al. fails to explicitly disclose a session key. Klonowski discloses a peer-to-peer network comprising:

if it is determined that a session with the first peer is to be established: the second peer generating a first session key from the first public key; (See Column 6, lines 13-16)

the second peer sending a message including the first session key to the first peer indicating that the second peer accepts the request for the session; (See Column 6, lines 16-27)

and the first peer receiving the message including the first session key; and the first peer and the second peer using the first session key to encrypt and decrypt data exchanged between the first peer and the second peer to provide secure exchange of

Art Unit: 2137

the data between the first peer and the second peer on the peer-to-peer network (See Column 6, lines 28-36)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huitema et al.'s peer-to-peer group method by using Klonowski encrypted communication. Klonowski provides a secure method for data to be exchanged within a peer-to-peer communication by incorporating a session key. (See Klonowski, Column 2, lines 23-35)

Referring to claims 2,16,26,30,34, and 46, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the data comprises one or more chat messages (See Huitema et al., Page 6, Sections 0050-0051)

Referring to claims 3,17,35, and 47, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the data comprises one or more files (See Huitema et al., Page 5, Section 0042)

Referring to claims 4 and 36, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein if it is determined that a session with the first peer is not to be established, the second peer sending a message to the first peer indicating that the second peer rejects the request for the session (See Huitema et al., Page 8, Section 0066)

Referring to claims 5,18,37, and 48, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein if it is determined that a session with the first peer is to be established:

encrypting the message including the first session key on the second peer using the first public key prior to the sending the message including the first session key; (See Klonowski, Column 6, lines 55-67, Column 7, lines 1-8)

and decrypting the message including the first session key on the first peer using a private key corresponding to the first public key after the receiving the message including the first session key (See Klonowski, Column 7, lines 10-31)

Referring to claims 6 and 19, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein ending the session between the first peer and the second peer; (See Klonowski, Column 6, lines 55-67, Column 7, lines 1-8)

establishing a new session between the first peer and the second peer subsequent to ending the session; (See Klonowski, Column 7, lines 9-30)

generating a second session key for the new session, wherein the second session key is different than the first session key; (See Klonowski, Column 7, lines 36-46)

and the first peer and the second peer using the second session key to encrypt and decrypt data exchanged between the first peer and the second peer in the new session to provide secure exchange of the data between the first peer and the second peer on the peer-to-peer network (See Klonowski, Column 7, lines 52-59)

Referring to claims 7 and 31, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein generating a second session key for the new session comprises:

the first peer generating a second public key; (See Huitema et al., Page 6, Section 0052)

the first peer sending the second public key to the second peer on the peer-to-peer network; (See Huitema et al., Page 7, Section 0054)

the second peer receiving the second public key; (See Huitema et al., Page 7, Section 0055)

and the second peer generating the second session key from the second public key (See Klonowski, Column 7, lines 52-59)

Referring to claim 8, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the second peer sending the second session key to the first peer and the first peer receiving the second session key (See Klonowski, Column 7, lines 52-59)

Referring to claims 9 and 39, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the session is a chat session (See Klonowski, Column 3, lines 54-60)

Referring to claims 10,11,21,40,41,51 and 52, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein a third peer sending a third public key to the first peer; (See Klonowski, Column 6, lines 55-67, Column 7, lines 1-4)

the first peer generating a third session key from the third public key wherein only the first peer and the third peer possess the third session key; (See Klonowski, Column 7, lines 4-14)

the third peer sending a fourth public key to the second peer; (See Klonowski, Column 7, lines 14-18)

and the second peer generating a fourth session key from the fourth public key, wherein only the second peer and the third peer possess the fourth session key (See Klonowski, Column 7, lines 18-30)

Referring to claims 12,22,42 and 53, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein a third peer on the peer-to-peer network joining the session; (See Klonowski, Column 3, lines 56-60)

providing the first session key to the third peer; (See Klonowski, Column 3, lines 60-64)

wherein the third peer is configured to encrypt messages to be send to the first peer and to the second peer using the first session peer using the first session key, and wherein the third peer is further configured to decrypt encrypted messages received from the first peer and from the second peer using the first session key (See Klonowski, Column 3, lines 65-67)

Referring to claims 13,23,27,43 and 54, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the first public key and an associated private key are generated using the RSA (Rivest-Shamir-Adleman) algorithm (See Huitema et al., Page 5, Section 0038)

Referring to claims 14,24,28,32,44 and 55, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the first peer and the second peer



are configured to operate in accordance with a peer-to-peer platform in the peer-to-peer network, (See Huitema et al., Page 4, Sections 0031-0032)

wherein the peer-to-peer platform includes one or more protocols configured for use in communications among peers participating in the peer-to-peer network, (See Huitema et al., Page 4, Section 0034, Page 5, Section 0039)

and wherein the peer-to-peer platform furthers includes one or more policies that define rules and conventions for the peer participating in the peer-to-peer network, wherein the one or more protocols include a peer group discovery protocol configured for use by a peer in identifying a particular network region the peer is attached to and for discovering other peers attached to the particular network region (See Huitema et al., Page 7, Sections 0046 and 0053)

Referring to claims 20 and 50, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein the first peer and the second peer are participants in a chat session on the peer-to-peer network (See Klonowski, Column 3, lines 56-66)

Referring to claims 38 and 49, (Huitema et al. as modified by Klonowski) discloses the claimed limitation wherein ending the session between the first peer and the second peer; (See Klonowski, Column 6, lines 55-67, Column 7, lines 1-8)

establishing a new session between the first peer and the second peer subsequent to ending the session; (See Klonowski, Column 7, lines 9-30)

generating a second session key for the new session, wherein the second session key is different than the first session key; (See Klonowski, Column 7, lines 36-46)

the first peer and the second peer using the second session key to encrypt and decrypt data exchanged between the first peer and the second peer in the new session to provide secure exchange of the data between the first peer and the second peer on the peer-to-peer network (See Klonowski, Column 7, lines 52-59)

wherein generating a second session key for the first peer comprises:

generating a second public key; (See Huitema et al., Page 6, Section 0052)

sending the second public key to the second peer on the peer-to-peer network;  
(See Huitema et al., Page 7, Section 0054)

receiving the second public key; (See Huitema et al., Page 7, Section 0055)

generating the second session key from the second public key (See Klonowski, Column 7, lines 52-59)

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fredrickson et al. (Pub. No. 2003/0115251) discloses a peer-to-peer network for securely storing data.

Moskowitz et al. (Pub No. 2003/0009570) discloses a method and apparatus for segmented peer-to-peer computing.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cdf

September 16, 2005



MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*